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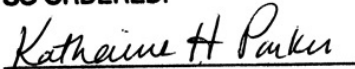
January 4, 2023

VIA ECF

Hon. Katharine H. Parker, U.S.M.J.
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

In light of the stipulation of voluntary dismissal of Plaintiff's action against Defendant Fawad Awan ("Awan"), Awan and his counsel are excused from today's oral argument.

SO ORDERED:


HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE

1/4/2023

Re: Santana v. NYC Motorcars of Freeport Corp., et. al.
Case No.: 1:21-cv-10520 ALC-KHP

Dear Judge Parker:

As a note of introduction, this office was counsel to the Defendant Fawad Awan ("Defendant" and/or "Awan").

As previously relayed to this Court, the Plaintiff Eric Santana ("Plaintiff") and Defendant Awan executed/filed a *Stipulation of Voluntary Dismissal*, dated May 3, 2022 [Doc. 26] with the Plaintiff's action voluntarily dismissed against the Defendant pursuant to FRCP 41(a)(1)(A)(ii) ("Stipulation"). The Stipulation, as per the then Clerk's instructions, was refiled on May 5, 2022 [Doc. 30]. Since such dates, the Defendant has no longer appeared and/or participated in the instant action.

With the recent motion scheduling(s), I recently did a review of the document history on PACER and noticed that the last filed Stipulation [Doc. 30] was not "So Ordered" by the Court which may have been due to an error in the filing event type identification. I have coordinated with Plaintiff's counsel to have a re-executed/retitled *Stipulation of Dismissal/Discontinuance* filed, which was done yesterday.

In light of the above, I did not anticipate or expect having to appear at the oral argument today at 2:00 pm, or in any proceeding as to the instant matter. I also have a scheduled transaction closing in Rockland County at 11:00 am which will carry over to the mid-afternoon and, as such, would be unable to attend the oral argument in person.

If for some reason the Court does require the participation/attendance of the Defendant Awan, it is respectfully requested that I be able to appear via phone.

We thank the Court for its time and attention to this matter.

Very truly yours,

/bwm/

Bruce W. Minsky

BWM/bm

cc: All counsel of record (*Via ECF*)